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LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

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1 AN ACT
2 RELATING TO EXTREME EMERGENCIES; AMENDING SECTION 46-601, IDAHO CODE, TO RE-
3 VISE PROVISIONS REGARDING ACTIONS BY THE GOVERNOR DURING A STATE OF EX-
4 TREME EMERGENCY; AND DECLARING AN EMERGENCY.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 46-601, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 46-601. AUTHORITY OF GOVERNOR. (1) The governor shall have the power
9 ~~in the event~~ after the declaration of a state of extreme emergency to or-
10 der into the active service of the state, the national guard, or any part
11 thereof, and the organized militia, or any part thereof, or both as he may
12 deem proper.

13 "State of extreme emergency" means: (a) the duly proclaimed existence
14 of conditions of extreme peril to the safety of persons and property within
15 the state, or any part thereof, caused by an enemy attack or threatened at-
16 tack; or (b) the duly proclaimed existence of conditions of extreme peril
17 to the safety of persons and property within the state, or any part thereof,
18 caused by such conditions as air pollution, fire, flood, storm, epidemic,
19 riot or earthquake, insurrection, breach of the peace, which conditions by
20 reason of their magnitude are or are likely to be beyond the control of the
21 services, personnel, equipment and facilities of any county, any city, or
22 any city and county.

23 (2) During a period of a state of extreme emergency, the governor shall
24 have complete authority over all agencies of the state government, including
25 all separate boards and commissions, and the right to exercise within the
26 area or regions wherein the state of extreme emergency exists all police
27 power vested in the state by the constitution and the laws of the state of
28 Idaho. In the exercise thereof he is authorized to promulgate, issue and
29 enforce rules, ~~regulations~~ and orders which he considers necessary for the
30 protection of life and property. Such rules, ~~regulations~~ and orders shall,
31 whenever practicable, be prepared in advance of extreme emergency and the
32 governor shall cause widespread publicity and notice to be given of such
33 rules, ~~regulations~~ and orders. Rules, ~~regulations~~ and orders issued under
34 the authority of this section and prepared in advance of a state of extreme
35 emergency shall not become operative until the governor proclaims a state of
36 extreme emergency. Such rules, ~~regulations~~ and orders shall be in writing
37 and shall take effect upon their issuance. They shall be filed in the office
38 of the secretary of state as soon as possible after their issuance. A copy
39 of such rules, ~~regulations~~ and orders shall likewise be filed in the office
40 of the county clerk of each county, any portion of which is included within
41 the area wherein a state of extreme emergency has been proclaimed. Whenever
42 the state of extreme emergency has been ended by either the expiration of

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1 the period for which it was proclaimed or the need for said state of extreme
2 emergency has ceased, the governor shall declare the period of the state of
3 extreme emergency to be at an end.

4 (3) Immediately upon issuing the declaration pursuant to subsection
5 (1) of this section, the governor shall concurrently call the legislature
6 into session if the legislature is not already in session. The legislature
7 shall convene within three (3) days from the declaration of extreme emer-
8 gency.

9 (4) During the continuance of any ~~proclaimed~~ declared state of extreme
10 emergency, insurrection or martial law, neither the governor nor any agency
11 of any governmental entity or political subdivision of the state shall im-
12 pose ~~additional~~ restrictions on United States Constitution First Amendment
13 rights or on the lawful possession, transfer, sale, transport, storage, dis-
14 play or use of firearms or ammunition.

15 (5) The governor shall have no power to alter, amend, adjust, or suspend
16 any provision of any statute.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.